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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/713,836	11/14/2003	Kanwarpal S. Dhugga	1520	5758

27310 7590 07/05/2006

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EXAMINER

KALLIS, RUSSELL

ART UNIT	PAPER NUMBER
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1638

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-6, 8-22 and 30 drawn to an isolated nucleotide sequence, plants transformed therewith and methods thereof for altering gum or galactomannan in a plant, classified in class 800, subclass 285 for example.
- II. Claims 6-13 and 23-27, drawn to a plant transformed with at least one nucleotide sequence encoding a mannan sythase and a nucleotide sequence encoding a galactosyltransferase and a method for producing gum in a plant transformed with a mannan synthase and a galactosyltransferase, classified in class 800, subclass 284 for example.
- III. Claim 28, drawn to an isolated protein, classified in class 435, subclass 183 for example.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are the method of altering the level of galactomannan in a plant of Group I and the method of producing gum in a plant of Group II that have different starting materials requiring different number of sequences and producing plants with differing phenotypes; and the isolated polypeptide of Group

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III that has a different chemical composition, structure and function than the isolated polynucleotides of Groups I and II and is not required in the methods of Groups I and II.

Upon election of Group I, Applicant is required to elect a single nucleic acid sequence of SEQ ID NO: 1, 3 or 9 and the corresponding amino acid of SEQ ID NO: 2, 4 or 10. Upon election of Group II, Applicant is required to elect a single nucleotide sequence of SEQ ID NO: 3 or 5 and corresponding amino acid sequence of either SEQ ID NO: 4 or 6. Upon election of Group III, Applicant is required to elect a single amino acid of SEQ ID NO: 2 or 4. This requirement is not to be construed as a requirement for an election of species, since each of the nucleic acid sequences or amino acid sequences recited in alternative form is not a member of a single structurally and functionally related genus, but rather constitutes an independent and patentably distinct invention. Separate searches and considerations would be required for examination of each of the nucleic acid sequences.

Claims 6 and 8-13 are generic to Groups I and II and will be examined to the extent they read upon the elected invention.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, require a different field of search (see MPEP § 808.02), and because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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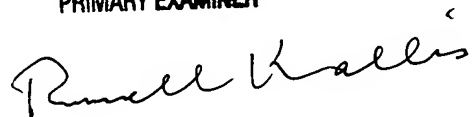
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell Kallis whose telephone number is (571) 272-0798. The examiner can normally be reached on M-F 8:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anne Marie Grunberg can be reached on (571) 272-0975. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Russell Kallis Ph.D.
June 26, 2006

RUSSELL P. KALLIS, PH.D.
PRIMARY EXAMINER

A handwritten signature in cursive script that reads "Russell Kallis".